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٢	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
	10/091,710	03/05/2002	Juei-Hua Lin	8055/0K324	7465		
	7590 11/05/2003			EXAMINER			
		DARBY & DARBY P.C.			PIZIALI, ANDREW T		
	.805 Third Avenue New York, NY 10022			ART UNIT	PAPER NUMBER		
	New Tolk, IVI	10022		1775	$\sim$ /		
				DATE MAILED: 11/05/2003			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	J				
. Advisory Action	10/091,710	LIN, JUEI-HUA					
•	Examiner	Art Unit					
	Andrew T Piziali	1775					
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress				
THE REPLY FILED 16 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a sinal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.							
PERIOD FOR RE	EPLY [check either a) or b)]						
a) The period for reply expires 3 months from the mailing date	e of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THE	g date of the final rejection.  HE FINAL REJECTION.	on. See MPEP				
Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Office timely filed, may reduce any earned patent term adjustment. See 37 C	of extension and the corresponding amount the shortened statutory period for reply be later than three months after the mai	ount of the fee. The approriginally set in the final	opriate extension Office action; or				
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR							
2. The proposed amendment(s) will not be entered be	ecause:						
(a)   they raise new issues that would require further	(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
(b) they raise the issue of new matter (see Note b	elow);						
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d)  they present additional claims without canceli	ng a corresponding number of f	inally rejected claim	s.				
NOTE:		•					
3. Applicant's reply has overcome the following reject	ion(s):						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed	amendment				
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See		idered but does NO	T place the				
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY t	o issues which were	e newly				
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we			and an				
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: 1-3 and 31.							
Claim(s) withdrawn from consideration: 4-30 and 33	<u>2</u> .						
8. $\square$ The proposed drawing correction filed on is	a) approved or b) disapp	roved by the Exami	ner.				
9. Note the attached Information Disclosure Statemer	nt(s)( PTO-1449) Paper No(s)						
10.⊠ Other: <u>See Continuation Sheet</u>							
	A 1						
	DEBOR SUPERVISORY I	AH JONES PATENT EXAMINER					

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant asserts that the prior art fails to teach or suggest the presently claimed skeletized structure density because a count of raised surfaces performed on prior art Figure 11 (identical figure in both prior art references) indicates a skeletized structure density of 30 to 40 skeletized structures per 200 nanometers square. Additionally, the applicant asserts that the difference in structure is apparent from the color of the glass of the presently claimed invention as opposed to the prior art. The examiner respectfully disagrees. The examiner asserts that Figure 11 illustrates merely one embodiment taught by the prior art and that the color disclosed by the prior art merely represents the color of one embodiment taught by the prior art.

As disclosed by the current applicant, the etching potency range taught by both the prior art and the present invention is between plus 12 units to minus 12 units. Although the presently claimed invention is produced with a potency of 2 units less than the potency used in the prior art preferred embodiment illustrated in Figure 11 (as disclosed by the current applicant), the prior art still teaches the same potency range (plus 12 units to minus 12 units). Although the presently claimed invention has a potency of 2 units less than the preferred emodiment of the prior art (Figure 11), the non-preferred embodiments taught by the prior art read on the current claims.

All the disclosures in a reference must be evaluated for what they fairly teach one of ordinary skill in the art even though the art teachings relied upon are phased in terms of a non-preferred embodiment or even as being unsatisfactory for the intended purpose, In re Boe, 148 USPQ 507 (CCPA 1966); In re Smith, 65 USPQ 167 (CCPA 1945); In re Nehrenberg, 126 USPQ 383 (CCPA 1960); In re Watanabe, 137 USPQ 350 (CCPA 1963).

## Continuation of 10. Other:

The formal drawings submitted on 10/16/2003 are approved by the Examiner. The objection to the specification is withdrawn in view of the amendments to the specification.

ANDREW T. PIZIALI
PATENT EXAMINER